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December 18, 2006

BY ELECTRONIC FILING

The Honorable Mary Pat Thyng  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

Re: Biovail v. Andrx, C.A. No. 05-586 (\*\*\*) (Consolidated)

Dear Magistrate Judge Thyng:

Plaintiff Biovail writes to advise the Court that on December 4, 2006, Biovail filed a Motion for Extension of Time to Respond to Andrx's Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 5,529,791 until January 19, 2007 (D.I. 112), which Andrx opposed. Biovail's motion is fully briefed and remains pending. Last Wednesday, December 13, Biovail was advised by Judge Jordan's chambers that Biovail should take up resolution of this motion with the judge to whom this case is reassigned. Andrx, however, has taken the position that Biovail will be in default if it does not respond to Andrx's summary judgment motion by today. Having just received notice today that this case has been assigned to Your Honor for pretrial matters pursuant to 28 U.S.C. § 636(b), we write to bring this motion to Your Honor's attention.

Respectfully,  
*Karen Jacobs Louden*  
/s/ Karen Jacobs Louden

Karen Jacobs Louden

KJL:ncf

cc: Peter T. Dalleo, Clerk (By Hand)  
Richard Horwitz, Esquire (By Hand)  
Joseph O'Malley, Esquire (By Fax)  
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